

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JAMES D. JOHNSON, et al.

PLAINTIFFS

VS

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, et al.

DEFENDANTS

MOTION FOR SUBSTITUTION OF COUNSEL

COME NOW, Defendants, Haley Barbour, et al., by and through counsel and file this Motion for Substitution of Counsel and in support thereof would show unto the Court the following:

1. Since the inception of this lawsuit, the law firm of McGlinchey Stafford, PLLC, has represented the Defendants. Counsel of record for the Defendants in this matter at McGlinchey Stafford, PLLC include Dewitt L. Fortenberry, Jr., Gretchen L. Zmitrovich, Ashley Tullos Young, Kenya K. Rachal and John T. Rouse.
2. Dewitt L. Fortenberry, Jr., Gretchen L. Zmitrovich, Ashley Tullos Young and Kenya K. Rachal are no longer associated with McGlinchey Stafford, PLLC. These attorneys are now associated with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC.
3. John T. Rouse and the law firm of McGlinchey Stafford, PLLC will not continue to serve as counsel for the Defendants.
4. The Defendants request that Dewitt L. Fortenberry, Jr., Gretchen L. Zmitrovich, Ashley Tullos Young and Kenya K. Rachal be allowed to continue as counsel for the Defendants and that the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC be substituted for McGlinchey Stafford, PLLC as counsel in this matter.

5. The Defendants, as well as the Attorney General of the State of Mississippi, McGlinchey Stafford, PLLC, and Baker, Donelson, Bearman, Caldwell & Berkowitz, PC consent to this substitution of counsel.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Court enter an Order allowing John T. Rouse and the law firm of McGlinchey Stafford, PLLC to withdraw as counsel of record and substituting Dewitt L. Fortenberry, Jr., Gretchen L. Zmitrovich, Ashley Tullos Young and Kenya K. Rachal of the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, as counsel of record for the Defendants in this matter.

THIS the 26th day of April, 2006.

Respectfully submitted,

**HALEY BARBOUR, as Governor of the State of
Mississippi; DONALD TAYLOR, as Executive Director
of the Department of Human Services; and
RICKIE FELDER as Director of the Division of
Family and Children's Services**

BY: s/ Dewitt L. ("Rusty") Fortenberry, Jr.
**BAKER, DONELSON,
BEARMAN, CALDWELL & BERKOWITZ, PC**
4268 I-55 North
Meadowbrook Office Park
Jackson, MS 39211
Telephone: (601) 351-2400
Facsimile: (601) 351-2424

BY: s/ John T. Rouse
MCGLINCHEY STAFFORD, PLLC
Suite 1100, City Centre South
200 South Lamar Street (Zip – 39201)
Post Office Box 22949
Jackson, MS 39225
Telephone: (601) 960-8400
Facsimile: (601) 960-8431

OF COUNSEL:

Attorney General Jim Hood
State of Mississippi
P.O. Box 220
Jackson, MS 39205-0220

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC

Dewitt L. ("Rusty") Fortenberry, Jr. (MSB #5435)

Gretchen L. Zmitrovich (MSB #101470)

Ashley Tullos Young (MSB #101839)

Kenya Key Rachal (MSB #99227)

4268 I-55 North

Meadowbrook Office Park

Jackson, MS 39211

Telephone: (601) 351-2400

Facsimile: (601) 351-2424

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

W. Wayne Drinkwater, Jr - wdrinkwater@bradleyarant.com jaltobelli@bradleyarant.com

Dewitt L. Fortenberry, Jr - rfortenberry@bakerdonelson.com glong@bakerdonelson.com

Stephen H. Leech, Jr - s.leech@sleech.com

Melody McAnally - mmcanally@bradleyarant.com ltempleton@bradleyarant.com

Harold Edward Pizzetta, III - hpizz@ago.state.ms.us fhell@ago.state.ms.us

Kenya Key Rachal - kkrachal@bakerdonelson.com kkr@lawyer.com

Eric E. Thompson – PHV - ethompson@childrensrights.org slambiase@childrensrights.org
snothenberg@childrensrights.org psinha@childrensrights.org hbeck@childrensrights.org
jwheeler@childrensrights.org tcrean@childrensrights.org ewilder@childrensrights.org

Ashley Tullos Young - ayoung@bakerdonelson.com

Gretchen L. Zmitrovich - gzmitrovich@bakerdonelson.com

I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

Marcia Robinson Lowry, Esq.
Tara Crean, Esq.
CHILDREN'S RIGHTS, INC.
404 Park Avenue
New York, New York 10016

Eric S. Manne, Esq.
John Piskora, Esq.
LOEB & LOEB, LLP
345 Park Avenue
New York, NY 10154

SO CERTIFIED, this the **26th** day of **April, 2006**.

s/John T. Rouse